

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

TED EUSTACE RICKY FRANCIS,)
)
Petitioner,)
)
vs.) CIVIL ACTION NO. 04-LSC-RRA-2445-M
)
JOHN ASHCROFT, et al.,)
)
Respondents.)

MEMORANDUM OPINION

The court has considered the entire file in this action, together with the Magistrate Judge's Report and Recommendation, and has reached an independent conclusion that the Report and Recommendation is due to be adopted and approved. The court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court. In accord with the recommendation, the motion to dismiss this petition for writ of habeas corpus as moot is due to be granted. An appropriate order will be entered.

Done this 5th day of January 2005.



L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE